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7 Attorney for Debtor and Plaintiff

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10 **UNITED STATES BANKRUPTCY COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**  
13

14 In re:

Case No. 21-51125HLB

15 CASSANDRA L. HIGLESIAS,

Chapter 13

16 Debtor.

Adversary Proceeding No. 21-

17 \_\_\_\_\_/  
18 CASSANDRA L. HIGLESIAS,

19 Plaintiff,

**COMPLAINT TO TURNOVER OF  
PROPERTY OF THE ESTATE  
UNDER 11 U.S.C. § 542(A)**

20 vs.

21 Domain Motors, LLC,

22 Defendant.  
23 \_\_\_\_\_/

24 Plaintiff, Cassandra L. Higlesias, files this complaint seeking a judgment against Defendant,  
25 Domain Motors, LLC, for turnover of Plaintiff's 2009 BMW 535i (the "Vehicle") pursuant to 11  
26 U.S.C. § 542(a). Defendant repossessed the Vehicle prior to the filing of Plaintiff's chapter 13  
27 bankruptcy petition on August 25, 2021.

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2. Venue is proper in this district pursuant to 28 U.S.C. § 1409.

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10. Defendant has failed and refused to return the Vehicle to Plaintiff..

## COUNT 1

**(11 U.S.C. § 542(a))**

11. Plaintiff realleges and incorporates by this reference each of the allegations set forth in Paragraphs 1 through 10 above as if the same were fully set forth at this point.

12. Pursuant to 11 U.S.C. § 541(a), the Vehicle possessed by Defendant constitutes property of the estate.

13. Upon information and belief, Defendant remains in possession of the Vehicle.

14. Although Defendant received notice of Plaintiff's bankruptcy, Defendant has failed and refused to turn over possession of the Vehicle to Plaintiff.

15. Plaintiff is entitled to a judgment requiring Defendant deliver possession of the Vehicle to Plaintiff pursuant to 11 U.S.C. § 542(a).

## RELIEF SOUGHT

**WHEREFORE**, Plaintiff prays for a judgment as follows:

1. For judgment that Defendant be compelled to deliver possession of the Vehicle to Plaintiff; and

2 For such other and further relief as this Court deems just and property.

Date: August 31, 2021

GUENTHER|MILLER LAW GROUP

/s/Ralph P. Guenther  
Ralph P. Guenther, Esq.  
Attorney for Plaintiff